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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 JOHN DAVID PAMPLIN,

Case No. 3:18-cv-00378-RCJ-WGC

10 Petitioner,

v.

ORDER

11 STATE OF NEVADA,

12 Respondent.  
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15 This action was initiated, *pro se*, on August 10, 2018, by John David Pamplin, who  
16 is apparently a prisoner at Nevada's Ely State Prison. On that date, Pamplin submitted a  
17 document entitled "Request for Personal Restraint Petition Injunction" (ECF No. 1-1). In  
18 that document, Pamplin challenged a state-court criminal conviction and sentence. As  
19 such, the Court determined that his request was in the nature of a petition for writ of  
20 habeas corpus. Pamplin did not pay the filing fee for this action, and he did not submit an  
21 application to proceed *in forma pauperis*. Moreover, the petition was not on the form  
22 required by this Court. The Court summarily dismissed the action on those grounds on  
23 August 14, 2018 (ECF Nos. 3, 4). Pamplin did not appeal from the August 14, 2018, order  
24 and judgment.

25 On October 4, 2018, Pamplin filed an application to proceed *in forma pauperis*  
26 (ECF No. 10), and a document entitled "Refiling Request for Personal Restraint Petition  
27 Injunction" (ECF No. 11). The latter appears to be a request that his petition be "refiled,"  
28 and it includes argument apparently meant to support the petition.

1 This action has been dismissed. Pamplin's "Refiling Request for Personal  
2 Restraint Petition Injunction" (ECF No. 11) is patently frivolous. There is no need for  
3 Pamplin to proceed *in forma pauperis* in this closed action. His application to proceed in  
4 *in forma pauperis* and his request for "refiling" will be denied.

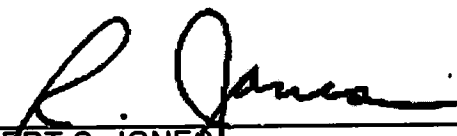
5 If Pamplin intends to initiate a habeas corpus action in this Court, he should file a  
6 petition for writ of habeas corpus, on the correct form, and he should submit, with the  
7 petition, either the \$5 filing fee or a new application to proceed *in forma pauperis*. Pamplin  
8 should do so in a new action; he should not put the case number from this action on  
9 documents filed to initiate the new action.

10 **IT IS THEREFORE ORDERED** that the petitioner's Application to Proceed *in*  
11 *Forma Pauperis* (ECF No. 10) is **DENIED**.

12 **IT IS FURTHER ORDERED** that the petitioner's "Refiling Request for Personal  
13 Restraint Petition Injunction" (ECF No. 11) is **DENIED**.

14 **IT IS FURTHER ORDERED** that the Clerk of the Court shall send to the petitioner,  
15 along with a copy of this order, a copy of the form for a *pro se* petition for writ of habeas  
16 corpus by a state prisoner, and a copy of the form for an application to proceed *in forma*  
17 *pauperis* by a state prisoner.

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19 DATED THIS 24th day of October, 2018.

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22 ROBERT C. JONES  
23 UNITED STATES DISTRICT JUDGE  
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